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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,286	10/19/2001	Kenichi Hamazaki	16869N-037200US	4852
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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER WHIPKEY, JASON T	
			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,286

Applicant(s)

HAMAZAKI ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/19/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it begins with the phrase, "An object of the present invention is to provide". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the

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specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10 recites, "in the step of charging, an amount of charging to the store data distributor is specified as a discount point" (lines 2-3). The specification makes a single reference to "a discount point" in the first paragraph on page 17, but one skilled in the art would not be adequately apprised of what exactly a discount point is, where it comes from, and how it is related to the amount the store data distributor is charged. The lack of breadth of the claim and the lack of a clear working example in the specification result in insufficient support for the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 7, 8, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Narayanaswami (U.S. Patent No. 6,504,571).

Regarding **claim 1**, Narayanaswami discloses a digital image archiving method, including:

receiving user data (see column 7, line 65, through column 8, line 1) that is sent from a first terminal (camera 100) and contains image data, and position data and time data when the image data is acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted; see column 6, lines 49-54, and column 8, lines 47-52);

creating compound data (see column 9, lines 23-45) by combining this user data with map data (from geographic/map query module 210) and store data (from photo navigation query module 212; see column 9, lines 35-40); and

sending the compound data (see column 8, lines 26-29) to a second terminal (user input/display 202) on which this compound data can be displayed or the first terminal.

Regarding **claim 7**, Narayanaswami discloses a digital image archiving device, comprising:

a means that stores store data (image database 216),
wherein the stored store data can be supplied to a combining unit (comprised of parameter query 206, region of interest query 208, geographic/map query 210, photo navigation query 212, and query mapper 214) that creates compound data (see column 9, lines 23-45) by combining image data, position data, time data, the store data, and map data (see column 6, lines 49-54, and column 8, lines 47-52).

Regarding **claim 8**, Narayanaswami discloses a digital image archiving method, including:

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receiving image data as user data (see column 7, line 65, through column 8, line 1) sent from a movable first terminal (camera 100), position data and time data when the image data is acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted; see column 6, lines 49-54, and column 8, lines 47-52), map data (from geographic/map query module 210), and store data (from photo navigation query module 212; see column 9, lines 35-40);

storing the data (see column 8, lines 42-47);

creating compound data by combining the user data and store data with the map data (see column 9, lines 23-45); and

supplying the compound data (see column 8, lines 26-29) to the first terminal or a second terminal side (user input/display 202) on which the compound data can be displayed.

Regarding **claim 16**, Narayanaswami discloses a digital image archiving device, comprising:

a storage device (region boundary database 218) that stores map data (see column 9, lines 14-22),

wherein the stored map data can be supplied to a combining unit (comprised of parameter query 206, region of interest query 208, geographic/map query 210, photo navigation query 212, and query mapper 214) for creating compound data (see column 9, lines 23-45) by combining the map data, image

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data, position data, time data, and store data (see column 6, lines 49-54, and column 8, lines 47-52).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2, 3, 9, 11, 12, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of O'Neil (U.S. Patent No. 2002/0107027).

Regarding **claim 2**, Narayanaswami discloses a digital image archiving method, including:

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receiving user data (see column 7, line 65, through column 8, line 1) that is sent from a first terminal (camera 100) and contains image data, and position data and time data when the image data is acquired (the parameters in the table in column 7, including location and time; are acquired and transmitted; see column 6, lines 49-54, and column 8, lines 47-52);

receiving store data (see column 9, lines 34-40) from a first database (image database 216);

creating compound data (see column 9, lines 23-45) by combining these user data and store data with map data (from geographic/map query module 210); and

sending the compound data (see column 8, lines 26-29) to a second terminal (input/display unit 202) on which this compound data can be displayed or the first terminal.

Narayanaswami is silent with regard to calculating and charging a rate for the compound data. O'Neil discloses an advertising system, including the method of:

calculating a rate of the compound data to carry out at least either of charging to a distributor of the store data (see paragraphs 47 and 50) or charging to either the first terminal or the second terminal.

An advantage of calculating and charging a rate for data distribution is that the system operator may recoup the cost of providing the service. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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Narayanaswami's digital image archiving method include calculating and charging a distributor of store data.

Regarding **claim 3**, Narayanaswami discloses:

the first terminal or the second terminal can access the first database when the compound data is received (data describing the stores is supplied to input/display unit 202; see column 9, lines 34-40).

Regarding **claims 9, 11, and 12**, Narayanaswami discloses a digital image archiving method, including:

receiving image data as user data (see column 7, line 65, through column 8, line 1) sent from a movable first terminal (camera 100), position data and time data when the image data is acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted; see column 6, lines 49-54, and column 8, lines 47-52), map data (from geographic/map query module 210), and store data (from image database 216; see column 9, lines 23-45);

storing the data (see column 8, lines 42-47);

creating compound data (see column 9, lines 23-45) by combining the user data and store data with the map data;

supplying the compound data to the first terminal or a second terminal side (input/display unit 202) on which the compound data can be displayed (see column 8, lines 26-29).

Narayanaswami is silent with regard to calculating and charging a rate for the compound data. O'Neil discloses an advertising system, including the method of:

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calculating a rate of the combining and supply to carry out charging to the store data (see paragraphs 47 and 50) distributor, the first terminal side or the second terminal side.

An advantage of calculating and charging a rate for data distribution is that the system operator may recoup the cost of providing the service. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's digital image archiving method include calculating and charging a distributor of store data.

Regarding **claim 14**, Narayanaswami discloses:

the storage device stores the user data in accordance with a user ID (see column 7, lines 8-10).

Regarding **claim 15**, Narayanaswami discloses:

the combining unit retrieves map data used in combining from the user data (see column 9, lines 14-22).

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of Bouve (U.S. Patent No. 5,682,525) and Ota (U.S. Patent No. 6,437,797).

Regarding **claim 4**, Narayanaswami discloses a portable terminal unit, comprising:

an image photographing unit (camera electronics 128 in Figure 1);
a transmitter (parallel port 144) that sends image data photographed by this image photographing unit (see column 7, line 61, through column 8, line 5) to

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a service center (image retrieval system 200) together with time and position data for which photographing is performed (the parameters in the table in column 7, including location and time, are acquired and transmitted; see column 6, lines 49-54, and column 8, lines 47-52); and

a display unit (input/display unit 202) of the image data;

wherein the image data, time data, and position data are combined with store data and map data (see column 9, lines 23-45) and received from the service center (see column 8, lines 26-29).

Narayanaswami is silent with regard to the specifics of displaying a map. Bouve discloses:

a pointer (stores 32, 34, and 36 in Figure 2) based on store data combined with map data (see column 5, lines 4-13).

An advantage of displaying pointers based on store data is that a user can easily recognize what is at the location. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on the store data.

Bouve is silent with regard to displaying a pointer based on the image data being displayed on the map. Ota discloses:

a pointer (thumbnail 70B in Figure 10) based on the image data are displayed on a map (see column 6, lines 11-15).

An advantage of displaying pointers based on captured photographs is that a user can easily recognize what is being marked on the map. For this reason, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on captured photographs.

Regarding **claim 5**, Bouve discloses:

a database containing the store data can be accessed by selecting the pointer based on the store data (see column 13, line 65, through column 14, line 4).

Regarding **claim 6**, Ota discloses:

an image photographed at the pointer position is displayed on the display unit by selecting the pointer based on the image data (see column 5, lines 31-33).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of O'Neil and further in view of Bouve and Ota.

Claim 13 may be treated like claim 11. However, Narayanaswami is silent with regard to the specifics of displaying a map. Bouve discloses:

displaying a store pointer (thumbnail 70B in Figure 10) based on store data on the map data (see column 5, lines 4-13) and displaying the data that corresponds to the selected point when at least either of the pointers is selected (see column 13, line 65, through column 14, line 4).

An advantage of displaying pointers based on store data is that a user can easily recognize what is at the location. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on the store data.

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Bouve is silent with regard to displaying a pointer based on the image data being displayed on the map. Ota discloses:

displaying an image pointer (thumbnail 70B in Figure 10) based on the image data on the map data (see column 6, lines 11-15) and displaying the data that corresponds to the selected point when at least either of the pointers is selected (see column 5, lines 31-33).

An advantage of displaying pointers based on captured photographs is that a user can easily recognize what is being marked on the map. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on captured photographs.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 12, 2005


AUNG MOE
PRIMARY EXAMINER